

ETA 227 Overpayment Detection and Recovery Activities

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ETA 227 Overpayment Detection and Recovery Activities

A. Facsimile of Form (page 1 of 3)

ETA 227 - OVERPAYMENT DETECTION AND RECOVERY ACTIVITIES

STATE:	REPORT FOR PERIOD ENDING:	OMB Approval No. 1205-0173 Expires: 11/30/2003
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A. OVERPAYMENTS ESTABLISHED — CAUSES						
Cause	Line No.	No. Schemes	Number of Cases		Dollar Amounts	
			UI	UCFE/UCX	UI	UCFE/UCX
		(1)	(2)	(3)	(4)	(5)
Fraud — Total	101					
Multi Claimant Schemes	102					
Nonfraud — Total	103					
Reversals	104					
SESA Errors	105					
Employer Errors	106					
Claimant Errors	107					
Other	108					
Penalty	109					
Total — Fraud, Nonfraud, and Penalty	110					

B. OVERPAYMENTS ESTABLISHED — METHODS OF DETECTION						
Method	Line No.	No. Cases Inv.	Fraud		Nonfraud	
			No. Cases	Dollars	No. Cases	Dollars
		(6)	(7)	(8)	(9)	(10)
Controllable — Total	201					
Wage/Benefit Crossmatch	202					
IB Crossmatch	203					
New Hires Systems	204					
Multi-Claimant Scheme Systems	205					
Special Project	206					
Other	207					
Noncontrollable — Total	208					
Total – Controllable and Noncontrollable	209					

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A. Facsimile of Form, continued (page 2 of 3)

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State:		Report for Period Ending:				
C. RECOVERY/RECONCILIATION						
Item	Line No.	Dollar Amount				
		Fraud		Nonfraud		
		UI	UCFE/UCX	UI	UCFE/UCX	
		(11)	(12)	(13)	(14)	
Outstanding at Beginning of Period		301				
Recovered - Total		302				
	Cash	303				
	Benefit Offset	304				
	State Income Tax Offset	305				
	By Other States	306				
	Other	307				
Waived		308				
Written-Off		309				
Additions		310				
Subtractions		311				
Outstanding at End of Period		312				
Receivables Removed at End of Period		313				
Overpayments Considered Collectible at End of Period		314				
Recovered for Other States		321				

D. CRIMINAL/CIVIL ACTIONS				
Item	Line No.	State/Local Courts		Federal (OIG)
		UI	UCFE/UCX	
		(15)	(16)	(17)
Number Fraud Cases Pending Prosecution at Beginning of Period	401			
Number of Fraud Cases Referred for Prosecution during the Period	402			
Number Cases Prosecution Refused	403			
Number Convictions Obtained	404			
Number Cases Referred for Civil Action	405			
Number Civil Actions Obtained	406			

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A. Facsimile of Form, continued (page 3 of 3)

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State	Report for Period Ending
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E. AGING OF BENEFIT OVERPAYMENT ACCOUNTS			
Accounts Receivable	Line No.	Dollar Amounts	
		UI	UCFE/UCX
		(18)	(19)
90 days or less	501		
91 - 180 days	502		
181 - 270 days	503		
271 - 360 days	504		
361 - 450 days	505		
451 days or more	506		
Total Accounts Receivable	507		

Comments:

These reporting instructions have been approved under the Paperwork Reduction Act of 1995, under OMB No. 1205-0028 with an expiration date of 11/30/2003. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 14 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Submission is mandatory under SSA 303(a)(6). Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Workforce Security, Room S-4231, 200 Constitution Ave. NW, Washington, DC, 20210.

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B. Purpose

The ETA 227 report provides information on overpayments of intrastate and interstate claims under the State unemployment compensation (UI), and under Federal UI programs; i.e., programs providing unemployment compensation for Federal employees (UCFE) and ex-service members (UCX), established under Chapter 85, Title 5, U.S. Code. This report will include claims for regular, State additional, and Federal-State extended benefits (EB). This report will **not** include claims of Trade Readjustment Allowances (TRA), Disaster Unemployment Assistance (DUA), or any other temporary Federal Program, e.g., Emergency Unemployment Compensation (EUC). Such programs have their own separate forms and reporting instructions.

The State agency's accomplishments in principal detection areas of benefit payment control are shown in the ETA 227 report. The Employment and Training Administration (ETA) and State agencies need such information to monitor the integrity of the benefit payment processes in the UI system. Data are provided for the establishment of overpayments, recoveries of overpayments, criminal and civil actions involving overpayments obtained fraudulently, and an aging schedule of outstanding benefit overpayment accounts.

C. Due Date and Transmittal

The ETA 227 report is due quarterly on the first day of the second month after the quarter of reference.

*Report for Calendar
Quarter Ending*

March 31
June 30
September 30
December 31

Due the Following

May 1
August 1
November 1
February 1

D. General Reporting Instructions

All applicable data on the ETA 227 report should be traceable to the data regarding overpayments and recoveries in the State's financial accounting system.

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1. Amended Reports. If the information changes from that sent on the initial ETA 227 form covering the report period, the State agency will send an amended ETA 227 electronically.
2. Coverage. Reported activity pertains to "Regular," "Federal-State," "Extended," and wholly State financed "Additional" benefits for the UI, UCFE, and UCX programs.
3. Audits. Dollar figures should be traceable to data regarding overpayments and recoveries in the SESA's financial accounting system.
4. Checking the Report. Entries should be made for all items. If no activity corresponding to the items occurred during the report period, a zero should be entered. A report containing missing data can not be sent to the National Office but can be stored on the State's system. Edit checks can be found in Handbook 402, Unemployment Insurance Required Reports User's Manual, Appendix C.

E. Definitions

1. Benefit Offset. Benefits withheld by the State agency to satisfy the requirement for a claimant to repay an overpayment.
2. Case Established. Any single issue involving either a fraud or nonfraud overpayment that has been determined for a claimant within a single calendar quarter and for which a formal notice of decision is issued. An overpayment that covers one or more weeks (or partial weeks) of benefits shall be counted as one case if all weeks of overpayments are included in the same notice of decision that is issued to the claimant.

An overpayment covering consecutive weeks of benefits that span two calendar quarters should be reported for the calendar quarter in which the notice of decision is issued.

3. Case Investigated. The number of cases emanating from a State initiated overpayment detection process for which an investigation regarding a potential overpayment has been concluded. Example: during a wage/benefit crossmatch process, a State agency produces a printout identifying all benefit payments matched against wages in the same quarter. After the printout is screened, requests are sent to employers to identify which weeks in the quarter were worked. When an employer reply indicates overlap with

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weeks for which benefits were paid, claims are investigated to determine if they were overpaid.

4. Cash. For the purpose of the ETA 227 Report, “cash” means money or ready currency repaid directly by the claimant to the State agency for benefit overpayments.
5. Controllable. Actions initiated by the State agency for the purpose of detecting overpayments, e.g., wage/benefit crossmatch, claims audits.
6. Fictitious Employer Detection Systems. A computerized system for detecting fictitious employer accounts as well as fictitious claimants. In 1978, a model system was developed and called FEDS (Fictitious Employer Detection System). Any such system that uses a profile to identify characteristics that are fairly common among employers involved in fictitious schemes is included in this definition.
7. Fraud Overpayment. An overpayment for which material facts to the determination or payment of a claim are found to be knowingly misrepresented or concealed by the claimant (willful misrepresentation) in order to obtain benefits to which the individual is not legally entitled. All States have definitions for fraud and impose disqualifications for fraudulent misrepresentation to obtain or increase benefits.
8. IB Crossmatch. The Interstate (IB, i.e., interstate benefits) Crossmatch includes two components -- the Interstate Crossmatch and Claimant Locator. The Crossmatch component is used to match interstate claimants against the agent/residence (and sometimes their border State) wage and benefit files to detect unreported wages and/or duplicate claims. The Locator component is used by States to locate individuals with outstanding overpayment balances that the State is unable to locate intrastate. In either case, the State requesting the match, creates and sends a record that includes the claimant’s social security number and a type of request (crossmatch or locator) identifier to the destination State(s). The responding State matches the records against its wage and benefit files. For each “hit”, the responding State creates a response record that includes the reported quarterly wages, employer’s name and address, claimant address (if locator record type), etc. as is appropriate to the type of request.
9. Joint Claims. Any combination of UI, UCFE, and UCX. In all joint claims, involving both State UI trust funds and Federal program funds, the “number

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of cases” should be reported under UI only. However, the “dollar amounts” of such overpayments should be allocated to the appropriate columns which represent the pro rata share of the weekly benefit amount.

Payments made under incorrect programs do not constitute an overpayment when administrative adjustments or transfers can be made. However, payments in excess of allowable amount that can not be cleared by an administrative adjustment constitute an overpayment.

10. Multi-Claimant Scheme. Any scheme where an individual or group of individuals collect benefits by fraudulently establishing multiple claims. (Also referred to as fictitious employer schemes.)
11. Multi-Claimant Scheme System. Any proactive, systematic detection activity that uses profiling for the purpose of identifying fictitious employers or fictitious claimants. An example is FEDS (Fictitious Employer Detection System), the model computerized system developed in 1978. Also included in this category are systems used to detect legitimate employers involved with schemes such as “ghost” employees, and multi-claimant schemes not involving employers such as third party fraud schemes.
12. New Hires System. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), otherwise known as “Welfare Reform,” requires States to establish New Hires Directories for the purpose of locating parents who are behind in payment of child support. Employers are required to report “new hires” information, including wage information, to States. State UI agencies run crossmatches of this information against the UI benefit payment records to identify claimants who have failed to report earnings and, therefore, may have been overpaid UI benefits.
13. Noncontrollable. All categories of overpayments for which the State agency did not take an active role in detection. Examples: tips and leads, appeals reversals, employer protests of benefit charges, etc.
14. Nonfraud Overpayment. An overpayment which the State agency determines is not due to willful misrepresentation. Nonfraud overpayments include overpayments resulting from reversals, State agency errors, employer errors, and claimant errors.
15. Overpayment. An amount of benefits paid to an individual to which the individual is not legally entitled, whether or not the amount is later recovered

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or waived. Losses through embezzlement or by theft, other than through the benefit payment process, should not be counted as overpayments.

16. Overpayments Considered Collectible at the End of Period. The overpayment amount remaining after the Receivables Removed at the end of the Report Period has been deducted from Overpayments Outstanding at End of Period (Line 208).
17. Penalty. All States assess penalties for fraud. These penalties can be applied in numerous ways. The only penalties reportable on the ETA-227 are those penalties that represent:
 - a. Benefits properly paid that were retroactively included in a penalty assessed for a fraudulent overpayment of another week(s) and are, therefore, subject to recoupment. Example: claimant has been paid benefits for 18 weeks. The State determines that week number 4 was a fraud overpayment attributable to the claimant and assesses a penalty of 10 weeks in addition to the overpayment assessed for week number 4. Week number 4 would be reported as Fraud, and weeks 5-14 would be reported as Penalty.
 - b. Benefits that were claimed and reduced because of a penalty applied to future weeks claimed. Example: Week number 8 was fraudulently claimed; this was detected during week number 17. The State disqualifies the claimant for week number 8 plus three weeks of future benefits, applied to weeks 17-19. Weeks 17-19 become noncompensable, and claimant must certify for these weeks in order to purge the disqualification and collect additional benefits. The maximum benefit amount (MBA) is reduced by the dollar amount of these weeks. Week number 8 would be reported as Fraud, and weeks 17-19 would be reported as Penalty when and if they are claimed and would otherwise be payable to the claimant.

The above are distinguished from penalties assessed that are not reportable on the ETA-227:

- ! Penalties that disqualify a claimant from future weeks of benefits or reduce the MBA, that do not become “overpayments” because those weeks are never claimed. In the example in “b” above, if weeks 17-19 are not claimed, they would not be reported on the ETA-227.

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- ! If a State's law provides that penalty only delays payment of benefits, i.e., they can be collected at the end of the claim and the MBA is not affected, this is not reportable on the ETA-227.
- ! Penalty (or interest) added to the recoverable amount of fraudulent overpayments that do not represent benefits paid or benefits potentially payable, i.e., penalty/interest that were not paid from the UI Trust Fund but were assessed in conjunction with an overpayment of benefits. These penalties could be assessed in different ways, including (1) as a percentage (e.g., State assesses penalty at the rate of 50% of the benefits obtained by fraud) or (2) as a dollar amount (e.g., State assesses a penalty of \$50 for each incidence of a false statement that results in a fraudulent overpayment).

Note: State laws govern the disposition of penalty/interest that were not paid from the UI Trust Fund but were collected in conjunction with overpayments of State UI benefits. However, such penalty/interest collected from overpaid Federal claims (UCFE, UCX) must be deposited into the fund from which the benefits were paid, even though the penalty/interest did not emanate from the UI Trust Fund. (Collection of such penalty/interest is reportable on the ETA-191, Statement of Expenditures and Financial Adjustments of Federal Funds for Unemployment Compensation for Federal Employees and Ex-Servicemembers.)

18. Receivables Removed. Receivables for which the prospects of collection are unlikely. Not all States have law provisions that permit write-off of overpayments, and therefore, over the years these States have accumulated very large dollar amounts of receivables on their books, even though it will be impossible to recover much of the total. This has created an administrative burden to maintain these records. It has also distorted the amount of overpayments that are shown as collectible, both at the State and National levels.

Formerly, an "allowance for doubtful accounts" had been created for State agencies to enter an amount of receivables for which the prospects of collection were improbable. This item revises "allowance for doubtful accounts" by specifying that receivables will be removed from the report after two years unless recovery is in progress, i.e., currently being offset from a benefit claim, installment repayments in progress, legal/civil action in progress, etc.

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19. Recovered for Other States. Overpayments, including penalty and/or interest, recovered for and transferred to another State.
20. Reversals. Those overpayments that result from redeterminations or appeal decisions that reverse or overturn earlier determinations under which benefits were paid.
21. Special Project. This category is reserved for special detection methods/projects using new methods or technologies.
22. State Income Tax Offset. Money from a State income tax refund that is withheld from a claimant by the State taxing authority and transferred to the State agency to repay a benefit overpayment.
23. UCFE/UCX. Claims under the unemployment compensation Federal programs for Federal employees (UCFE) and/or ex-servicemembers (UCX), including State additional benefits and Federal-State extended benefits.
24. UI. Claims under the regular State unemployment insurance benefits involving State unemployment insurance funds, including State additional benefits and Federal-State extended benefits.
25. Wage/Benefit Crossmatch. Comparison of State agency benefit payment records with wage records created from quarterly reports submitted by employers to determine if the benefits were overpaid due to failure to report earnings. This definition includes the "Model Crossmatch System," any enhancements to this Model system, or any similar system developed/purchased by a State agency.
26. Waiver. A nonfraud overpayment for which the State agency, in accordance with State law, officially relinquishes the obligation of the claimant to repay. Usually, this is authorized when the overpayment was not the fault of the claimant and requiring repayment would be against equity and good conscience or would otherwise defeat the purpose of the UI law.
27. Write-Offs. An amount of overpayment not subject to further recovery because of a State law provision authorizing cancellation of the overpayment. Usually, write-offs are applied, for example, after the statute of limitations expires, bankruptcy has been approved by a court, or the claimant has died.

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F. Item by Item Instructions

Reporting instructions for specific items are given only as necessary to supplement headings on the form and the definitions provided in Section E.

1. Section A. Overpayments Established -- Causes. Overpayments established are classified into two main categories – fraud and nonfraud, with penalty shown separately. Nonfraud overpayments are broken out into subcategories.
 - a. Line 101, Fraud - Total. Enter the totals for all overpayments classified as fraud, including those reported on line 102 below.
 - b. Line 102, Multi Claimant Schemes. Report those cases and dollars included in Line 101 that involved multi-claimant schemes detected in any manner, i.e., through a fictitious employer detection system, tips/leads, audits conducted for other purposes, etc.
 - c. Line 103, Nonfraud - Total. Enter the totals for all overpayments classified as nonfraud, i.e., all items reported on lines 104 through 108. In the case of overpayments that can be traced to one or more sources of error; i.e., State agency, employer, or claimant, count only once under the primary cause of the error.
 - d. Line 108, Other. Enter all nonfraud overpayments not included on lines 104, 105, 106, or 107.
 - e. Line 109, Penalty. Enter the dollar amounts of benefits properly paid that were retroactively included in a penalty assessed for a fraudulent UCFE or UCX overpayment of another week(s) and are, therefore, subject to recoupment and/or benefits that were claimed and reduced because of a penalty applied to future weeks. (Refer to definition of “Penalty” in Section E.)
 - f. Line 110, Total - Fraud, Nonfraud, and Penalty. Sum the totals for lines 101, 103, and 109.
2. Section B. Overpayments Established -- Methods of Detection. Note: administrative penalty (reported on Section A, line 109) is not to be reported in Section B.

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- a. Column (6), Number of Cases Investigated. For lines 202-204, enter the number of cases investigated to conclusion. Example: during the crossmatch process, a State agency produces a printout identifying all claimants with wages in the quarter. After the printout is screened, requests are sent to employers to ascertain which weeks were worked. If employer replies indicate that there is overlap with the weeks for which benefits were paid, claims are investigated to determine if they were overpaid. The number of such investigations during the quarter is reported in column (6).

For line 205, enter the number of schemes that were detected and for which figures are reported in columns (7) and (8). Note: only report the count for a scheme during the quarter in which it is first detected, i.e., if additional cases/dollars are detected during the quarter for a scheme reported in column (6) for a previous quarter, do not enter a count for that scheme in the current quarter.

- b. Line 201, Controllable - Total. Enter the total of all controllable cases and dollars reported on lines 202-207.
3. Line 205, Multi Claimant Scheme Systems. Only enter the figures for the multi-claimant schemes detected through proactive, systematic processes designed for this purpose. (Refer to the definition in section E above.)
4. Line 206, Special Project. This line is reserved for special detection methods/projects using new methods or technologies.
5. Line 207, Other. All other controllable detection methods not included on lines 202-206 above. Examples: verification of low earnings, verification of return-to-work, SAVE, workers compensation crossmatch, etc.
6. Line 209, Total - Controllable and Noncontrollable. Enter the totals for lines 201 plus 208.
3. Section C. Recovery/Reconciliation. For recoveries, waivers, and write-offs, enter the amounts applicable during the quarter, regardless of when overpayments were established. Any repayment received from a claimant that is refunded during the quarter because of a redetermination, etc., should

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be subtracted from the amount shown if the original amount had already been entered.

- a. Line 301, Outstanding at the Beginning of Period. Enter amounts of overpayments outstanding at the beginning of this report period. The amounts entered will always be the same as the amounts shown on Line 312 from the preceding report period.
- b. Line 302, Recovered - Total. Enter the amounts of all overpayments recovered. The amounts will be equal to the totals of lines 303-307.
- c. Line 303, Cash. Enter the amounts of all cash repayments made by the claimant to the State agency, i.e., currency, check, money order, etc. Do not include money received via a third party, i.e., liens, garnishments, etc., that are included in line 307.
- d. Line 304, Benefit Offset. Enter the amounts of all dollars recovered through UI benefit offset during the quarter from benefits otherwise payable.
5. Line 305, State Income Tax Offset. Enter the amounts withheld from claimants by the State taxing authority and transferred to the State agency during the quarter to repay benefit overpayments.
6. Line 306, By Other States. Enter the amounts recovered by other State agencies under the CWC requirements or voluntarily, including IRORA, and transferred to the State during the quarter.
7. Line 307, Other. Recovery of benefit overpayments from sources not listed on lines 303-306 above, e.g., other types of offsets (disability insurance, workers compensation), court actions (civil, criminal), outsourcing (collection by other components of the State government or by private collection agencies).
8. Line 308, Waived. Enter the overpayment recoveries waived under State law during the report period. Include only overpayments reported in Section A, either for the current quarter or a previous quarter. Do not include overpayments that the State agency no longer has the authority to recover because of expired statute of limitations (write-offs).

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- i. Line 309, Overpayments Written-Off. Enter the amounts of all overpayments written-off under the State law during the report period.
- j. Line 310, Overpayments - Additions. Enter the dollar amounts of overpayments adjusted upward which have been included in Section A for this report or any prior report period. Such adjustments are usually the result of redeterminations or appeal decisions that increase the amount of overpayments previously reported.
- k. Line 311, Overpayment - Subtractions. Enter the dollar amounts of overpayments adjusted downward which have been included in Section A for this report or any prior report period. Such adjustments are usually the result of redeterminations or appeals decisions that decrease the amount in part or in total of overpayments previously reported.
- l. Line 312, Outstanding at the End of Period. Calculate the dollars outstanding as follows:
 - Column 11. (1) Add lines 301 and 310 to line 101, column 4. (2) Add lines 302, 309, and 311. (3) Subtract (2) from (1).
 - Column 12. (1) Add lines 301 and 310 to line 101, column 5. (2) Add lines 302, 309, and 311. (3) Subtract (2) from (1).
 - Column 13. (1) Add lines 301 and 310 to line 103, column 4. (2) Add lines 302, 308, 309, and 311. (3) Subtract (2) from (1).
 - Column 14. (1) Add lines 301 and 310 to line 103, column 5. (2) Add lines 302, 308, 309, and 311. (3) Subtract (2) from (1).
- m. Line 313, Receivables Removed at End of Period. Enter dollar amounts that, during this quarter, have been considered receivable for at least two years, i.e., amounts included on line 301 (Outstanding at Beginning of Period) that have been reported in Section E, line 506 (dollar amounts receivable 451 days or more) each of the last two report periods, unless recovery is in progress. It should be noted that this reporting procedure applies only to the ETA 227 Report; it does not effect State accounting practices.

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- n. Line 314, Overpayments Considered Collectible at End of Period. Enter amounts from line 312 minus the amounts from line 313.
 - o. Line 321, Recovered for Other States. Enter the amounts recovered by the State for other State agencies under the CWC requirements or voluntarily, including IRORA, and transferred out during the quarter. Include penalty/interest.
4. Section D. Criminal/Civil Actions. Report on Lines 401 through 404 fraud cases referred to State/Local/Federal prosecuting authorities. Report in Column 17 all prosecutions referred to the U.S. Department of Justice by the U.S. Department of Labor's Office of the Inspector General (OIG).
- a. Line 403, Number Cases Prosecution Refused. Include as refusals cases that were accepted by prosecuting authorities but were not completed before the statute of limitations expired.
 - b. Line 404, Number Convictions Obtained. Count as convictions such court imposed actions as Probation Before Judgment, Pre-Trial Diversion Agreement, Suspended Imposition, or other similar deferred sentencing programs.
 - c. Line 405, Number Cases Referred for Civil Action. Enter the number of cases referred to State/local courts in order to obtain a formal judgment for collection of an outstanding overpayment, e.g., liens, levies, garnishment of wages.
5. Section E. Aging of Benefit Overpayment Accounts. The aging schedule displays the amount of overpayments outstanding from the date the overpayment was established. For the purpose of this report, the date an overpayment is established is the date the overpayment determination was issued. The amount to be reported for each benefit overpayment account should reflect the outstanding balance (accounts receivable) owed the State at the close of business on the last day of the report period. The total of accounts receivable on line 507 must equal the total for the amounts outstanding on line 312.

The amount of overpayments outstanding in the State's account receivable under this Section is not a cumulative amount from quarter to quarter. Dollar amounts of overpayment accounts should be reported only once in lines 501-506 for any single reporting period, and on each subsequent report the dollar

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amount of any remaining balance will move to the next older aging category. For example, an overpayment of \$100 was established and became final on October 18, 2001. If a repayment of \$50 was made on May 5, 2002 and no further repayment is made, the amount of such overpayment would be reported as follows:

<u>Report period ending</u>	<u>Report</u>
12/31/2001	Line 501 - \$100
03/31/2002	Line 502 - \$100
06/30/2002	Line 503 - \$ 50
09/30/2002	Line 504 - \$ 50
12/31/2002	Line 505 - \$ 50
03/31/2003 and beyond	Line 506 - \$ 50

6. Comments. Explain significant variations from the norm.